

In the Court of Appeals of the State of Alaska

Cim Joel Blair,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-13186**

Order

Date of Order: **October 22, 2021**

Trial Court Case No. **3HO-16-00188CR**

On October 18, 2021, Cim Joel Blair filed what he labeled as a petition for review of two of his trial court cases, 3HO-18-00231CI and 3HO-19-00078CI. Both of these cases involve ongoing applications for post-conviction relief, and Blair is represented by the Public Defender Agency in both cases. Although the Agency is in the process of withdrawing from those cases because of a conflict of interest, as part of that process, the superior court will appoint counsel from the Office of Public Advocacy to represent Blair.

Because Blair is represented in both of his trial court cases, he is not allowed to file petitions for review in this Court. *See McLaughlin v. State*, 173 P.3d 1014 (Alaska App. 2007). Moreover, in his pleading, Blair fails to identify (or to provide a copy of) the non-appealable order or orders that he wants this Court to review. *See* Appellate Rule 403(b).

Additionally, in Blair's pleading, he also requests that this Court delay the oral argument scheduled for November 2, 2021 in *Blair v. State*, Court of Appeals No. A-13186. But Blair is represented in *Blair v. State* by attorney Michael Horowitz, under contract with the Public Defender Agency. As a general matter, because Blair is represented, he is not allowed to file pleadings on his behalf in *Blair v. State*, and,

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therefore, is not allowed to file a pro se request to delay the oral argument in that appeal.
See Appellate Rule 518(b).

For the above reasons, **IT IS ORDERED:**

The Clerk of the Appellate Courts is directed to reject Blair's pleading. The Clerk shall provide a copy of this order and of Blair's pleading to the superior court, the attorneys of record in Blair's PCRs, and to the attorneys of record in *Blair v. State*, Court of Appeals No. A-13186.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Judge Saxby
David Seid, Public Defender
Kenai District Attorney's Office
Cim Joel Blair at Wildwood Correctional Center

Distribution:

Email:
Horowitz, Michael L., Public Defender - Contract
Ringsmuth, Eric

IN THE COURT OF APPEALS FOR THE STATE OF ALASKA

10/22/21
REFUSED FOR FILING
See 10/22/21
order.
Ryan Montgomery
Chief Deputy Clerk

Cim Blair)
(Petitioner))
v.)
Alaska Public Defender Agency) Case No. 3HO-18-00231 CI
(Defendant)) Case No. 3HO-19-00078 CI

Request for Petition for Review

Petitioner Cim Blair requests Petition for Review in both P.C.R. cases involving the Alaska Public Defender Agency and Counsel's Motion to Withdraw in cases 3HO - 18 - 00231 CI and 3HO - 19 - 00078 CI dated October 4, 2021. Because of the potential complications that involve the Alaska Public Defender Agency's representation and Petitioner's concerns in the Court of Appeals. Petitioner Cim Blair pro-se requests that the November 2, 2021 oral arguments be postponed until further notice to determine whether Cim Blair wants to proceed pro-se and that the Court can determine if in deed or effect that Petitioner Cim Blair has been prejudiced in the Trial Court (Case 3HO-16-00043 CR and Case 3HO-16-00188 CR), the Court of Appeals (A-13186) and both Post Conviction Relief Proceedings (case 3HO-18-00231 and Case 3HO-19-00078 CI.)

Signed this 18th day of Oct, 2021, at Kenai, Alaska

Cim Blair
Cim Blair (petitioner)

~~FILED~~
~~OCT 18 2021~~
~~APPELLATE COURT~~
~~OF THE~~
~~STATE OF ALASKA~~

I certify that a copy of this Petition and proposed Order has been sent via U.S.P.S. mail to: Alaska Public Defender Agency
Douglas Moody
900 West 5th Avenue Suite 101
Anchorage, AK, 99501

Cim Blair

10-18-21

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OCT 20 2021
APPELLATE COURT
OF THE
STATE OF ALASKA

IN THE COURT OF APPEALS FOR THE STATE OF ALASKA

RECEIVED

OCT 20 2021
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Cim Blair)

(Petitioner))

v.)

Alaska Public Defender Agency)

(Defendant))

Case No. 3HO-18-00231 CI

Case No. 3HO-19-00078 CI

ORDER

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Upon due consideration of Petitioner's pleading, Petitioner's Request for Petition for Review is GRANTED. Oral arguments in Appeals Case A-13186 delayed pending the Review of the aforementioned representational issues and potential prejudice. The November 2, 2021 oral arguments to be rescheduled at the convenience of the eCourt and both parties.

Signed this _____ day of _____, 2021, at Anchorage, Alaska.

Appellate Court Judge